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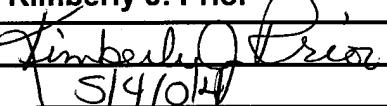
Total Number of Pages in This Submission

Application Number	10/766,122
Filing Date	January 27, 2004
First Named Inventor	Hoffmann, et al.
Art Unit	
Examiner Name	
Total Number of Pages in This Submission	21558 US

ENCLOSURES (Check all that apply)

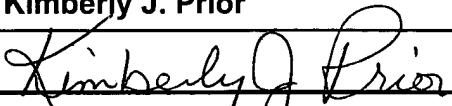
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
Remarks		
-References B1 to B6, and C1 to C12; -PTO-1449 Form; and -Copy of co-pending, co-owned USSN. 10/196,795 (Ref. 20939 US)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kimberly J. Prior
Signature	
Date	5/4/04

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kimberly J. Prior		
Signature		Date	5/4/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Torsten Hoffmann, Fabienne Hoffmann-Emery, Sonja Nick,
Urs Schwitter, Pius Waldmeier

Serial No. 10/766,122, filed January 27, 2004
(Ref. No. 21558 US)

For: **NEW CRYSTALLINE MODIFICATIONS OF 2-(3,5-BIS-TRIFLUOROMETHYL-PHENYL)-N-[6-(1,1-DIOXO-1 λ ⁶-THIOMORPHOLIN-4-YL)-4-(4-FLUORO-2-METHYL-PHENYL)-PYRIDIN-3-YL]-N-METHYL-ISOBUTYRAMIDE**

INFORMATION DISCLOSURE STATEMENT

Nutley, New Jersey 07110
May 4, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicants respectfully direct the Examiner's attention to the documents listed on enclosed Form PTO-1449.

Documents B1 to B6, and C1 to C12 listed on Form PTO-1449 are enclosed. Document A1 is not being submitted because it is a US patent. Document A2 is not being submitted as it is a US patent publication.

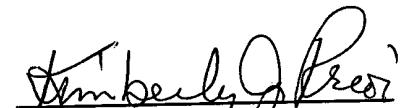
Consideration of all the documents cited on Form PTO-1449 is requested.

Serial No. 10/766,122
Filed: January 27, 2004

The Examiner's attention is also directed to co-pending, co-owned US Serial No. 10/196,795, filed July 17, 2002 (Case Docket No. 20939 US), a copy of which is enclosed.

Since the Information Disclosure Statement is submitted before the mailing of the first Office Action on the merits or within three months of the filing date for the above application, no fee is due.

Respectfully submitted,



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Enclosures

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<p>Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)</p>				Complete if Known		
				Application Number	10/766,122	
				Filing Date	January 27, 2004	
				First Name Inventor	Hoffmann, et al.	
Sheet	1	of	1	Attorney Docket Number		21558 US

U.S. PATENT DOCUMENTS

Examiner Initials'	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited document MM-DD-YYYY
		Kind Code ²	Number (if known)		
	A1	5,972,938		Rupniak et al.	10/26/1999
	A2	US 2003/0004157		Buser et al.	01/2003

FOREIGN PATENT DOCUMENTS

Examiner Initials'	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)			
	B1	WO 95/16679			Merck & Co., Inc.	06/22/1995	
	B2	WO 95/18124			Merck Sharp Dohme Ltd	07/06/1995	
	B3	WO 95/23798			Merck & Co., Inc.	09/08/1995	
	B4	EP 1 035 115 A1			F.Hoffmann-La Roche AG	09/13/2000	
	B5	WO 02/085458			F.Hoffmann-La Roche AG	10/31/2002	
	B6	GB 2347422			F.Hoffmann-La Roche AG	09/06/2002	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials'	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	C1	Navari, et al., <i>New England J. of Medicine</i> , Vol. 340, pgs. 190-195 (1999)	
	C2	Maggi et al., <i>J. Auton. Pharmacol.</i> , Vol. 13, pgs. 23-93 (1993)	
	C3	Kramer et al., <i>Science</i> , Vol. 281, pgs. 1640-1645 (1998)	
	C4	Longmore et al., <i>Can. J. Physiol. Pharmacol.</i> , Vol. 75, pgs. 612-621 (1997)	
	C5	Barker, <i>Reviews in Neurosciences</i> , Vol. 7, pgs. 187-214 (1996)	
	C6	Quartara et al., <i>Neuropeptides.</i> , Vol. 32(1), pgs. 1-49 (1998)	
	C7	Doi et al., <i>Eur. J. of Pharmacology.</i> , Vol. 383(3), pgs. 297-303 (1999)	
	C8	Palma et al., <i>Life Sciences.</i> , Vol. 67(9), pgs. 985-1001 (2000)	
	C9	Mutra et al., <i>Nature.</i> , Vol. 405, pgs. 180-183 (2000)	
	C10	Stout et al., Neurokinin 1 Receptor Antagonists as Potential Antidepressants, <i>Annu. Rev. Pharmacol. Toxicol.</i> Vol. 41, pgs. 877-906 (2001)	
	C11	Rupniak, N., Elucidating the antidepressant actions of substance P (NK ₁ receptor) antagonists, <i>Current Opinion in Investigational Drugs</i> , Vol. 3(2), pgs. 257-261 (2002)	
	C12	Humphrey, J., Medicinal Chemistry of Selective Neurokinin-1 Antagonists, <i>Current Topics in Medicinal Chemistry</i> , Vol. 3, pgs. 1423-1435 (2003)	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation or abstract is attached.

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